



# TEXAS TECH UNIVERSITY HEALTH SCIENCES CENTER EL PASO

## Operating Policy and Procedure

### **HSCEP OP: 70.10, Non-Faculty Employee Complaint Procedures**

**PURPOSE:** The purpose of this Texas Tech University Health Sciences Center El Paso (TTUHSCEP) Operating Policy and Procedure (HSCEP OP) is to provide reasonable and consistent internal consideration of complaints from non-faculty employees. TTUHSCEP will strive to seek fair, just, and prompt resolution of complaints by non-faculty employees arising from the employment relationship.

**REVIEW:** This HSCEP OP will be reviewed in January of each even-numbered year (ENY) by the Office of Equal Opportunity and the Assistant Vice President for Human Resources, with substantive revisions submitted to the President.

### **POLICY/PROCEDURE:**

1. A complaint is a formal expression of disagreement concerning issues pertaining to wages, hours, working conditions, performance evaluations, merit raises, job promotions, job assignments, or similar matters involving management decisions concerning the employee.

#### **2. Provisions**

- a. This complaint procedure is applicable to all full-time, part-time, and temporary non-faculty employees.
- b. All complaint investigations and procedures will be non-adversarial in nature. The employee filing the complaint may represent him or herself or be accompanied by a representative who does not claim the right to strike. Representation does not include external legal counsel. Language interpreters and other individuals intended to aid the employee in communicating will be permitted.

No TTUHSCEP funds may be used to pay expenses for salary, travel or per diem of a public employee who represents an employee in the presentation of a complaint and grievance, nor may other resources be used, except that an employee is allowed to take annual leave, compensatory leave or leave without pay, subject to established TTUHSCEP operating policies and procedures to engage in this activity.

- c. If an employee believes an adverse employment action is based on unlawful discrimination or harassment based on sex (including pregnancy), race, color, national origin, religion, disability, age, protected veteran status, genetic information, sexual orientation, gender identity, gender expression, or other protected categories as set forth in TTU System Regulation 07.10 and HSCEP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, or in TTU System Regulation 07.06 and HSCEP OP 51.03, Sexual Misconduct Policy, the procedures therein must be followed.
- d. An employee may present a complaint without fear of retaliation.

Retaliation against an employee who files a complaint under this policy is strictly forbidden. Any manager or supervisor or other employee who is found to have taken any adverse employment action against an employee because of the employee's good faith filing of complaint or participation in an investigation under this policy is subject to severe penalties, including immediate termination.

However, the filing of a complaint shall not affect the ability of TTUHSCEP to pursue disciplinary or separation action for reasons other than the employee's filing of a complaint.

- e. Employment at TTUHSC is governed by the employment at-will doctrine. Employment is for an indefinite duration and can be terminated at any time, with or without cause and with or without notice, by either TTUHSCEP or the employee. Nothing in this or any other TTUHSCEP operating policy and procedure constitutes an employment agreement, either express or implied, a contract, a contractual relationship, a guarantee of continued employment, or a property right.
- f. If an employee separates employment from TTUHSCEP for any reason after filing the complaint, the pending complaint shall be dismissed. A termination cannot be appealed unless the employee has reason to believe the action taken is prohibited by law in which case the employee should follow the procedures set forth in TTU System Regulation 07.10 and HSCEP OP 51.02, Non-Discrimination and Anti-Harassment Policy and Complaint Procedure, or in TTU System Regulation 07.06 and HSCEP OP 51.03, Sexual Misconduct.

### 3. **Assistance**

At any time, the employee and/or the supervisor may seek assistance from the Human Resources Department in resolving problems. The Human Resources Department may recommend and/or facilitate mediation of the employee complaints.

### 4. **Procedure**

- a. Only one subject matter shall be covered in any one complaint.
- b. A written complaint shall contain:
  - 1. A clear and concise statement of the complaint;
  - 2. The date the incident or adverse action took place;
  - 3. The names and contact information of any witnesses;
  - 4. The specific resolution sought by the employee; and
  - 5. Additional relevant information to be considered in support of the complaint.

#### **Any changes to the complaint must be in writing.**

- c. Step 1 – Verbal Discussion
  - 1. An employee should bring any work-related problems to the attention of his/her immediate supervisor within 10 business days of the event.
  - 2. Each supervisor and employee should attempt to resolve on-the-job complaints in an atmosphere of mutual respect.
  - 3. The immediate supervisor should discuss with the employee those concerns in an effort to resolve the problem.
  - 4. The supervisor has 10 business days to respond to the complaint.
  - 5. If the employee's complaint is regarding the employee's immediate supervisor, the employee should follow the same steps set forth in this policy but initiate the process with the employee's second level supervisor.
- d. Step 2 – Written Complaint
  - 1. If action is not taken by the immediate supervisor to resolve the problem within 10 business days or if the employee is not satisfied with the supervisor's response, the employee should formally submit an *Employee Complaint Statement* to the employee's immediate supervisor and the Human Resources Department within 10 business days after the supervisor's initial response or resolution. The Employee Complaint Statement is

located on the Human Resources Department website or at the following link:  
<https://el Paso.ttuhsce.edu/hr/employee-relations.aspx>

2. The immediate supervisor has 10 business days to respond, in writing, to the complaint. A copy of the response shall be sent to the Human Resources Department.
- e. Step 3 – Written Complaint to the Second Level Supervisor
1. If no resolution is reached with the immediate supervisor, the employee may appeal the 1st level supervisor’s decision to the second level supervisor by submitting the *Employee Complaint Statement* to the second level supervisor and to the Human Resources Department.
  2. The written complaint must be filed with the second level supervisor within 10 business days from the time the employee receives the written response from the immediate supervisor.
  3. The second level supervisor has 10 business days to respond, in writing, to the complaint. A copy of the response shall be sent to the Human Resources Department and the 1st level supervisor.
- f. Step 4 – Final Review

After all the above steps have been completed, the employee may make a written request to the appropriate Vice-President/Dean to review the employee’s complaint. This must be done within 10 business days. The responsible administrator shall have 20 days to review the complaint and provide a written determination to the employee. This determination will be final.

## 5. **Right to Change**

TTUHSCEP reserves the rights to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time without notice to or consent of its employees.

*The Employee Complaint Statement form is available on the TTUHSCEP Human Resources Department website or at the following link: <https://el Paso.ttuhsce.edu/hr/employee-relations.aspx>*